

AMENDED IN SENATE JUNE 8, 1999
AMENDED IN ASSEMBLY APRIL 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 747

Introduced by Assembly Member Dutra

February 24, 1999

An act to amend Section 17215 of the Education Code, relating to schoolsites.

LEGISLATIVE COUNSEL'S DIGEST

AB 747, as amended, Dutra. Schoolsites: airports.

Existing law requires the governing board of each school district to give the Department of Transportation written notice of the proposed acquisition of a schoolsite that is within 2 miles of an existing airport runway or a planned runway, and requires the Department of Transportation to investigate the site and report to the governing board of the school district. Existing law provides that, if the recommendation of the Department of Transportation is unfavorable, the recommendation may not be overruled without express approval of the State Board of Education.

This bill would, instead, require the governing board of a school district to report to the State Department of Education and would require the State Department of Education to report to the Department of Transportation. This bill would require the Department of Transportation to investigate and report to the State Department of Education, and would

require the State Department of Education, *within 10 days of receiving the Department of Transportation's report to investigate and forward the report to the governing board of the school district.*

Existing law prohibits acquisition of the site and prohibits apportionment or expenditure of state or local funds for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site, if the report does not favor acquisition of the site, unless prescribed reporting and public hearing requirements are satisfied.

This bill would delete the reporting and public hearing exception from these prohibitions. It would also delete the requirement that if the recommendation of the Department of Transportation is unfavorable, the recommendation may not be overruled without express approval of the State Board of Education.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17215 of the Education Code is
2 amended to read:

3 17215. (a) In order to promote the safety of pupils,
4 comprehensive community planning, and greater
5 educational usefulness of schoolsites before acquiring
6 title to property for a new schoolsite, the governing board
7 of each school district, including any district governed by
8 a city board of education, shall give the State Department
9 of Education written notice of the proposed acquisition
10 and shall submit any information required by the State
11 Department of Education if the proposed site is within
12 two miles, measured by air line, of that point on an airport
13 runway or a potential runway included in an airport
14 master plan that is nearest to the site.

15 (b) Upon receipt of the notice required pursuant to
16 subdivision (a), the State Department of Education shall
17 notify the Department of Transportation in writing of the
18 proposed acquisition. If the Department of



1 Transportation is no longer in operation, the State
2 Department of Education shall, in lieu of notifying the
3 Department of Transportation, notify the United States
4 Department of Transportation or any other appropriate
5 agency, in writing, of the proposed acquisition for the
6 purpose of obtaining from the department or other
7 agency any information or assistance that it may desire to
8 give.

9 (c) The Department of Transportation shall
10 investigate the proposed site and, within 30 working days
11 after receipt of the notice, shall submit to the State
12 Department of Education a written report ~~and its of its~~
13 *findings including* recommendations concerning
14 acquisition of the site. As part of the investigation, the
15 Department of Transportation shall give notice thereof to
16 the owner and operator of the airport who shall be
17 granted the opportunity to comment upon the proposed
18 schoolsite.

19 (d) The State Department of Education shall
20 ~~investigate the proposed site within 10 working days from~~
21 ~~receipt of the report from the Department of~~
22 ~~Transportation and shall submit its written report and~~
23 ~~recommendations to the governing board of the school~~
24 ~~district concerning acquisition of the site. The governing~~
25 ~~board shall not acquire title to the property until the~~
26 ~~report of the State Department of Education has been~~
27 ~~received.~~

28 ~~(e) If the State Department of Education in its report~~
29 ~~submitted to a governing board of a school district does,~~
30 ~~within 10 days of receiving the Department of~~
31 ~~Transportation's report, forward the report to the~~
32 ~~governing board of the school district.~~

33 (e) If the Department of Transportation's
34 recommendation does not favor acquisition of a proposed
35 site, no state funds or local funds shall be apportioned or
36 expended for the acquisition of that site, construction of
37 any school building on that site, or for the expansion of
38 any existing site to include that site.

1 (f) This section does not apply to sites acquired prior
2 to January 1, 1966, nor to any additions or extensions to
3 those sites.

O

